

51. (Not Amended) An information processing apparatus adapted to illuminate an original with the illuminating device according to claim 48 and to effect photoelectric conversion on the obtained reflected light.

REMARKS

This application has been reviewed in light of the Office Action mailed September 26, 2000. Claims 45-51 are pending. Claims 45 and 46 have been amended to further clarify that which Applicant regards as the invention. Claim 45 is in independent form. Entry of this amendment and favorable reconsideration of Claims 45-51 are requested.

In the Office Action, the drawings were objected to as not showing the light-emitting members recited in Claim 50. It is submitted that the light-emitting members are clearly shown at reference numerals 12, 13, and 14 in Figure 7. Therefore, it is respectfully submitted that the objection to the drawings has been obviated.

In the Office Action, Claims 45-51 were rejected under the judicially created doctrine of double patenting over Claims 1-46 of U.S. Patent No. 6,015,200. Applicant submits that U.S. Patent No. 6,015,200 does not claim a light

conductive member having an inclined lateral face relative to a light entrance face on a side opposed to the light entrance face, as now recited by Claim 45. Therefore, Applicant submits that the subject invention is patentable over the claims of U.S. Patent No. 6,015,200, and it is respectfully requested that the rejection of Claims 45-51 based on the judicially created doctrine of double patenting be reconsidered and withdrawn.

Moreover, Applicant notes that the double-patenting rejection appears to be a so-called *Schneller* rejection. It is noted that the Board of Patent Appeals and Interferences has made clear that such rejections are disfavored, and should only be made in cases with facts very similar to those in the original *Schneller* case: i.e., where the application claims cannot, as a practical matter, be infringed without the parent claims also being infringed, and vice versa. See, *In re Davis*, 56 USPQ2d 1434 (BPAI 2000).^{1/} Such is not the case in the present application.

Further, the Examiner's attention is drawn to the third sentence of 35 U.S.C. 121, which expressly prohibits

^{1/} This case is not being cited as controlling precedent that would forbid the making of a so-called *Schneller* rejection in every case whatsoever, but merely as announcing clearly the Board's views on the very limited applicability of *Schneller*.

the use of a patent issuing on an application with respect to which a requirement for restriction has been made, or on an application filed as a result of such a requirement, as a reference against any divisional application, if the divisional application is filed before the issuance of the patent. A restriction requirement was made in the parent application Serial No. 08/617,634, which issued as U.S. Patent No. 6,015,200 on January 18, 2000, that led to the filing of the subject divisional application on June 29, 1999. For these reasons, the double-patenting rejection should be withdrawn.

In the Office Action, Claims 45-48 were rejected under 35 U.S.C. §102(b), as being anticipated by U.S. Patent No. 5,128,781 to Ohno et al. (*Ohno*). In addition, Claims 45-48 were rejected under 35 U.S.C. §102(b), as being anticipated by U.S. Patent No. 2,770,712 to Dros (*Dros*). Further, Claims 45-48 were rejected under 35 U.S.C. § 102(b), as being anticipated by U.S. Patent No. 4,816,968 to Yamada et al. (*Yamada*). Finally, Claim 49 was rejected under 35 U.S.C. § 103 (a), as being unpatentable over *Ohno*, *Dros*, or *Yamada*.

The independent claim is believed patentable over the prior art for at least the following reasons.

The aspect of the present invention set forth in independent Claim 45 is directed to a light conductive member that includes a light entrance face, an inclined lateral face, and an exit face. The light entrance face is in a part of a lateral face other than an end in the longitudinal direction of a rod-shaped translucent member. The inclined lateral face is relative to the light entrance face on a side opposed to the light entrance face, and diffuses an entering light beam into the longitudinal direction of the rod-shaped translucent member. The exit face is in at least a part of a lateral face, and emits at least a part of the reflected and/or diffused light beam.

Thus, Claim 45 recites clearly that the light conductive member has, in addition to a light entrance face and a light exit face, an inclined lateral face. Further, the inclined lateral face reflects and/or diffuses an entering light beam into the longitudinal direction of the rod-shaped translucent member.

That is, in the light conductive member of Claim 45, a reflection and/or diffusion area is formed as an inclined lateral face, such as that indicated by reference numeral 6 in Figure 4A, which is a portion of a lateral face of the light conductive member, as disclosed throughout the

specification including at page 13, line 24 through page 14, line 22. According to this feature, incident light can be reflected and/or diffused efficiently into the longitudinal direction of the rod-shaped translucent member to achieve uniform illumination at a high intensity within a compact area, as disclosed on page 6, lines 9-25 and page 7, line 7 through page 8, line 22 of the specification.

Ohno relates to a liquid crystal display (LCD) apparatus, which includes an LCD panel 1, a light source 4, a diffusion plate 2 situated between the light source 4 and the LCD panel 1, and a reflection plate 5 disposed behind the light source 4, as described in column 2, lines 24-51 and shown in Figure 4. However, nothing has been found in *Ohno* that would teach or suggest an inclined lateral face relative to a light entrance face on a side opposed to the light entrance face for reflecting and/or diffusing an entering light beam into the longitudinal direction of a rod-shaped translucent member, as recited in Claim 45.

The Office Action contends that the light introduction plates 3a, 3b in *Ohno* include the reflection plate 5 opposed to the entrance face. It is submitted that the reflection plate 5 is not on a side opposed to the light entrance face since the reflection plate 5 is on a side

opposed to that of the LCD panel 1, which is an exit face for light within the LCD display.

Dros relates to an illuminated dial plate for tuning radio receivers, which includes an incandescent lamp 11 situated in a cup-shaped cavity 24 of an intermediate piece 21. The intermediate piece 21 is secured in a circular aperture of a dial plate 23. The intermediate piece 21 has a re-entrant profile 25, which projects light from the lamp 11 onto the dial plate 23 in radial directions, as described in column 2, lines 48-61 and shown in Figure 3. However, *Dros* is not seen to disclose or suggest a light conductive member including an inclined lateral face relative to a light entrance face on a side opposed to the light entrance face for reflecting and/or diffusing an entering light beam into the longitudinal direction of a rod-shaped translucent member, with the light entrance face in a part of a lateral face other than an end in the longitudinal direction of the rod-shaped translucent member, as recited in Claim 45.

The Office Action contends that *Dros* describes a light conducting member 23 having a light entrance side on a part of a lateral surface other than an end in the longitudinal direction of a rod-shaped translucent member. However, it is submitted that light does, in fact, enter from

an end of the rod-shaped intermediate piece 21, as is clearly shown in Figure 3 and described in column 2, lines 48-61.

Yamada relates to an illuminating device for a grille portion between the headlamps of an automobile, which includes a light directing plate 15, light sources L, an inner lens 18 situated in front of the light directing plate 15, and a filter 23 interposed between the inner lens 18 and the light directing plate 15. However, nothing has been found in *Yamada* that would teach or suggest a light conductive member including an inclined lateral face relative to a light entrance face on a side opposed to the light entrance face for reflecting and/or diffusing an entering light beam into the longitudinal direction of a rod-shaped translucent member, as recited in Claim 45.

The Office Action contends that the light directing plate 15 in *Yamada* includes the filter 23 opposed to a light entrance face and that the filter 23 is a reflecting/diffusing inclined surface. It is submitted that the light directing plate 15 is distinct from the filter 23 and does not include it, as shown in the cross-section of Figure 4. Further, it is submitted that light entering the light directing plate 15 must do so in a direction normal to the cross-sectional plane shown in Figure 4 (since the light

sources L are located to the side of the light directing plate 15). Therefore, the filter 23 must be adjacent to the plane through which light enters and not opposing it.

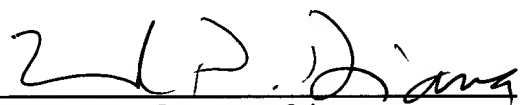
Thus, Applicant respectfully submits that Claim 45 is clearly allowable over *Ohno, Dros, and Yamada*, taken either alone or in combination.

A review of the other art of record has failed to reveal anything which, in Applicant's opinion, would remedy the deficiencies of the art discussed above, as references against independent Claim 45 herein.

The other claims in this application are each dependent from independent Claim 45 discussed above and are, therefore, believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,


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VERSION WITH MARKINGS TO SHOW CHANGES MADE TO CLAIMS

45. (Amended) A light conductive member comprising a light entrance face in a part of a lateral face other than an end in the longitudinal direction of a rod-shaped translucent member; an inclined [area] lateral face relative to said light entrance face on a side opposed to said light entrance face, for reflecting and/or diffusing an entering light beam into the longitudinal direction of said rod-shaped translucent member; and an exit face in at least a part of a lateral face, for emitting at least a part of said reflected and/or diffused light beam.

46. (Amended) A light conductive member according to claim 45, further comprising a [second] reflecting and/or diffusing area, on a side opposed to said exit face, for further reflecting and/or diffusing the light beam reflected and/or diffused by the first-mentioned area.

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